JUL 29 1976
MICHAEL RODAK, JR., CLERK

No. 75-1877

In the

Supreme Court of the United States

OCTOBER TERM, 1975

Clyde E. Skeen et ux,

Petitioner,

v.

Valley Bank of Nevada,

Respondent.

BRIEF IN REPLY TO PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals
for the Fifth Circuit

ROBERT E. WOOD, JR.
1000 Mercantile Dallas Bldg.
Dallas, Texas 75201
Counsel of Record
for Respondent.

I N D E X

	Page
Statement of the Case.....	1
Reasons for Denying the Petition for Writ of Certiorari.....	1
Conclusion.....	3

BRIEF IN REPLY TO PETITION
FOR WRIT OF CERTIORARI

Index of Authorities

Cases

	Page
Clement v. First National Bank, 115 Tex. 342, 282 S.W. 558 (Tex. 1926).....	2
Engbrock v. Haidusek, 95 S.W.2d 520 (Tex.Civ.App.- Austin 1936, writ ref'd).....	2
Fitzhugh v. Connor, 74 S.W. 83 (Tex.Civ.App.- Austin 1903, no writ).....	2
Lake v. Boulware, 35 S.W. 24 (Tex.Civ.App.- Fort Worth 1896, writ ref'd).....	2
Linch v. Broad, 70 Tex. 92, 6 S.W. 751 (Tex. 1889).....	2
Love v. Hoffman, 499 S.W.2d 295 (Tex. 1973).....	2
Whiteman v. Burkey, 286 S.W. 350 (Tex.Civ.App.- Galveston 1926, no writ).....	2

No. .....

In the

Supreme Court of the United States

OCTOBER TERM, 1975

Clyde E. Skeen et ux,

Petitioner,

v.

Valley Bank of Nevada,

Respondent.

BRIEF IN REPLY TO PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals
for the Fifth Circuit

To the Honorable the Chief Justice of the
United States and the Associate Justices
of the Supreme Court of the United States:

STATEMENT OF THE CASE

Respondent adopts Petitioner's "Statement of the Case."

REASONS FOR DENYING PETITION FOR WRIT OF CERTIORARI

I.

No conflict with applicable state law

Rule 19 1(b) of the Rules of the Supreme Court of the United States provides, in part, that a writ of certiorari may be granted "(b) Where a Court of Appeals... has decided an important state or territorial question in a way in conflict with applicable state or territorial law...."

In the present case, the Court of Appeals decision is consistent with the laws of the State of Texas. The question of the applicability of an amended state homestead exemption was addressed by the

Texas Supreme Court in Linch v. Broad, 70 Tex. 92, 6 S.W. 751 (Tex. 1889). The Linch case refused to apply the amended enlarged exemption. Such approach is implicit in the recent case of Love v. Hoffman, 499, S.W.2d 295 (Tex. 1973) and consistent with a long line of cases holding that the determination of the exemption according to the value of the property at time of designation is constitutionally required. Clement v. First National Bank, 115 Tex. 342, 282 S.W. 558 (Tex. 1926); Engbrock v. Haidusek, 95 S.W.2d 520 (Tex.Civ.App.- Austin 1936, writ ref'd); Whiteman v. Burkey, 286 S.W. 350 (Tex.Civ.App.- Galveston 1926, no writ); Fitzhugh v. Connor, 74 S.W. 83 (Tex.Civ.App.- Austin 1903, no writ); Lake v. Boulware, 35 S.W. 24 (Tex.Civ.App.-Fort Worth 1896, writ ref'd).

II.

The question here presented is purely one of the State law of the State of Texas

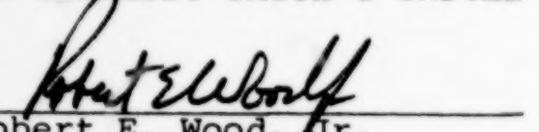
The case has no applicability beyond the State of Texas. Although Texas courts are best suited to determine Texas law, the Court of Appeals has made an Erie - educated determination consistent with the laws of the State, and this court should not be expected to direct its energies to reviewing and determining such an obvious state law question.

CONCLUSION

For the foregoing reasons, the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

LUCE HENNESSY SMITH & CASTLE

BY 

Robert E. Wood, Jr.
1000 Mercantile Dallas Bldg.
Dallas, Texas 75201
Counsel of Record
for Respondent.